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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re J.J., a Person Coming Under The
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

J.J.,

Defendant and Appellant.

F057140

(Super. Ct. No. 06CEJ601015-2)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Fresno County. Martin Suits, Commissioner.

Carol A. Koenig, under appointment by the Court of Appeal, for Defendant and Appellant.

Edmund G. Brown, Jr., Attorney General, Michael P. Farrell, Assistant Attorney General, Louis M. Vasquez, Lloyd G. Carter, and Lewis A. Martinez, Deputy Attorneys General, for Plaintiff and Respondent.

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*Before Vartabedian, A.P.J., Levy, J., and Cornell, J.

INTRODUCTION

On October 24, 2008, a petition was filed pursuant to Welfare and Institutions Code section 602 alleging appellant, J.J., committed misdemeanor vandalism (Pen. Code, § 594, subd. (b)). On January 20, 2009, the juvenile court found the allegation true at the conclusion of a contested jurisdiction hearing. On February 11, 2009, the juvenile court found J.J. to be a ward of the court, removed him from his parents' custody, placed him on probation, gave him credit for one day in custody, ordered him to complete 75 hours of community service, placed him on electronic monitoring for 60 days, and placed him on probation upon various terms and conditions.

On appeal, J.J. originally contended the juvenile court inconsistently ordered his removal from his parents' home, but then ordered that he reside with his parents. J.J. argued the juvenile court erred in setting his maximum term of confinement because he was placed with his parents. J.J. contended the court's minute order, that as a condition of probation he was not to use or possess drugs, was inconsistent with the court's oral pronouncement.

According to the record, J.J. turned 18 years old on May 20, 2009. This court sent a letter to the parties, pursuant to Government Code section 68081, asking the parties to brief the issue of whether the first contention concerning appellant's placement with his parents was moot because he had already turned 18. Both parties replied with letter briefs conceding the issue was moot.¹ J.J.'s counsel further noted in her letter that his probation ended on August 11, 2009, and the juvenile court terminated probation and

¹ Respondent cited to authority stating that if an issue is moot but capable of evading review, this court can still address it. We do not find the issue of dual or joint custody by the probation department and a minor's parents is confined only to juveniles about to turn 18. We therefore decline respondent's invitation to address the merits of the first issue raised in appellant's original opening brief.

jurisdiction over him.² Appellant requests that we dismiss his appeal. We will grant his request.

DISPOSITION

This appeal is hereby dismissed.

² The juvenile court's jurisdiction was scheduled to end with the termination of appellant's probation on August 11, 2009.